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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT SEATTLE  
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12                  EPHESIAN JOHNNY FRANKLIN,

13                  Plaintiff,

14                  v.

15                  JEFFREY PRESTON BEZOS et al.,

16                  Defendants.

17                  CASE NO. 2:25-cv-00176-LK

18                  ORDER ADOPTING REPORT AND  
19                  RECOMMENDATION

20                  This matter comes before the Court on United States Magistrate Judge S. Kate Vaughan's  
21 Report and Recommendation ("R&R") recommending that the Court deny pro se Plaintiff  
22 Ephesian Johnny Franklin's in forma pauperis ("IFP") application. Dkt. No. 8. For the reasons  
23 explained below, the Court adopts the R&R and denies Mr. Franklin's IFP application that was  
24 the subject of the R&R, Dkt. No. 4, as well as a subsequently submitted IFP application, Dkt. No.  
9.

On January 14, 2025, Mr. Franklin filed an application to proceed IFP and attached a proposed complaint. Dkt. Nos. 1, 1-1. On January 28, 2025, the Clerk of Court sent Mr. Franklin

1 a Notice of Filing Deficiency concerning the fact that the incorrect IFP application form had been  
2 submitted and the Civil Cover Sheet required by Local Civil Rule 3(a) had been omitted. Dkt. No.  
3 2 at 1.

4 On February 14, 2025, Mr. Franklin filed a second application to proceed IFP accompanied  
5 by a Civil Cover Sheet. Dkt. Nos. 3, 4. On February 19, 2025, Judge Vaughan issued a minute  
6 order instructing that the new IFP application was deficient because it indicated that Mr. Franklin  
7 “is unemployed and gives no date of last employment, but also indicates he receives \$400.00 per  
8 week from a part-time job.” Dkt. No. 5 at 1 (citing Dkt. No. 4 at 1). Judge Vaughan further noted  
9 that while Mr. Franklin “states he has no money in cash or a bank account,” he simultaneously  
10 “has monthly expenses of \$1,300.00.” Dkt. No. 5 at 1 (citing Dkt. No. 4 at 2). As such, Judge  
11 Vaughan noted, “The Court cannot assess Plaintiff’s IFP application as written.” *Id.* Judge  
12 Vaughan ordered Mr. Franklin to submit a revised IFP application within twenty days of the date  
13 of the minute order, which was March 11, 2025. *Id.* at 2. Judge Vaughan noted that such a revised  
14 IFP application “must provide complete and detailed financial information, including details on  
15 [Mr. Franklin’s] employment and income, how he covers his monthly expenses, and any further  
16 helpful information on why he cannot pay his filing fee.” *Id.*

17 On February 27, 2025, Mr. Franklin submitted a Proposed Motion for Emergency  
18 Procedures and a Praeclipe to Issue Summons, both of which constituted efforts to prosecute the  
19 merits of his proposed complaint. *See* Dkt. Nos. 6, 7. However, Mr. Franklin did not file a revised  
20 IFP application as instructed by Judge Vaughan’s February 19 minute order. *See* Dkt. No. 5.

21 On March 18, 2025, Judge Vaughan issued the R&R now before the Court, recommending  
22 that the Court deny Mr. Franklin’s IFP application and direct Mr. Franklin to pay the usual filing  
23 fee of \$405.00 within 30 days of the adoption of the R&R. Dkt. No. 8 at 2. The R&R also noted  
24 that “[i]f no filing fee is paid within thirty days of the Court’s Order, the Clerk should close the

1 file.” *Id.* Judge Vaughan further ordered than any objections to the R&R “should be filed with the  
 2 Clerk and served on all parties to this suit” within 14 days of the date of the R&R, and that “[i]f  
 3 no timely objections are filed, the matter will be ready for consideration by the District Judge on  
 4 April 8, 2025.” *Id.* Copies of the R&R were sent to the parties, including Mr. Franklin. *See id.*

5 Two days later, on March 20, 2025, Mr. Franklin filed a third IFP application. Dkt. No. 9.  
 6 On March 24, 2025, the Clerk of Court sent Mr. Franklin a Notice of Filing Deficiency concerning  
 7 the fact that the incorrect IFP application form had again been submitted and instruction Mr.  
 8 Franklin to submit the correct IFP application by April 23, 2025. Dkt. No. 10 at 1. This Notice was  
 9 mailed to Mr. Franklin at his address listed on file. *Id.*; *see* Dkt. No. 1-1 at 1. No further action has  
 10 been taken by Mr. Franklin since, and Mr. Franklin has not filed any objections to the R&R.

11 The Court “shall make a de novo determination of those portions of the report or specified  
 12 proposed findings or recommendations to which objection is made,” and “may accept, reject, or  
 13 modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28  
 14 U.S.C. § 636(b)(1)(C); *see also* Fed. R. Civ. P. 72(b)(3) (the Court “must determine de novo any  
 15 part of the magistrate judge’s disposition that has been properly objected to”).

16 No objections having been filed, the Court concurs with Judge Vaughan that Mr. Franklin’s  
 17 IFP application should be denied. Mr. Franklin has failed to comply with the terms laid out in the  
 18 R&R. *See* Dkt. No. 8. Furthermore, the revised IFP application filed on March 20 is deficient, and  
 19 Mr. Franklin has failed to comply with the Clerk’s directive to resubmit using the correct IFP  
 20 application. *See* Dkt. No. 10.

21 Accordingly, the Court ORDERS the following:

- 22 (1) The Court ADOPTS the R&R, Dkt. No. 8;
- 23 (2) Mr. Franklin’s IFP application that was the subject of the R&R, Dkt. No. 4, is DENIED;
- 24 (3) Mr. Franklin’s revised IFP application, Dkt. No. 9, is likewise DENIED; and

1                   (4) Mr. Franklin is ORDERED to pay the usual filing fee of \$405.00 within 30 days of the  
2 date of this Order. If no filing fee is paid within that period, the case will be dismissed.

3                   (5) The Clerk is further directed to send copies of this Order to Mr. Franklin and to Judge  
4 Vaughan.

5                   Dated this 28th day of April, 2025.

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8                   Lauren King  
9                   United States District Judge

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